

FILE NO. C4-94-1162

STATE OF MINNESOTA

IN SUPREME COURT

-----  
In Re Petition for Disciplinary  
Action against DAVID GRONBECK,  
an Attorney at Law of the  
State of Minnesota.  
-----

**STIPULATION FOR DISPENSING  
WITH PANEL PROCEEDINGS,  
FOR FILING PETITION FOR  
DISCIPLINARY ACTION,  
AND FOR DISCIPLINE**

THIS STIPULATION is entered into by and between Edward J. Cleary, Director of the Office of Lawyers Professional Responsibility, hereinafter Director, and David Gronbeck, attorney, hereinafter respondent.

WHEREAS, respondent has concluded it is in respondent's best interest to enter into this stipulation,

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the undersigned as follows:

1. It is understood that respondent has the right to have charges of unprofessional conduct heard by a Lawyers Professional Responsibility Board Panel prior to the filing of a petition for disciplinary action, as set forth in the Rules on Lawyers Professional Responsibility (RLPR). Pursuant to Rule 10(a), RLPR, the parties agree to dispense with Panel proceedings under Rule 9, RLPR, and respondent agrees to the immediate filing of a petition for disciplinary action, hereinafter petition, in the Minnesota Supreme Court.

2. Respondent understands that upon the filing of this stipulation and the petition, this matter will be of public record.

3. It is understood that respondent has certain rights pursuant to Rule 14, RLPR. Respondent waives these rights, which include the right to a hearing before a referee on the petition; to have the referee make findings and conclusions and a recommended disposition; to contest such findings and conclusions; and to a hearing

before the Supreme Court upon the record, briefs and arguments. Respondent hereby admits service of the petition.

4. Respondent waives the right to answer and unconditionally admits the allegations of the petition, which may be summarized as follows:

a. Respondent failed to timely file an appeal on behalf of his clients in a class action matter, failed to keep his clients advised of the status of that matter, failed to timely provide an accounting and refund of funds received from the class action clients and refund the unused portion of those funds, and failed to cooperate with the disciplinary proceedings.

5. Respondent asserts and the Director acknowledges that, for at least a portion of the time during which the misconduct occurred, respondent was experiencing significant stress due to the death of several family members and that this ought to be considered in mitigation of the misconduct.

6 Respondent understands that based upon these admissions, this Court may impose any of the sanctions set forth in Rule 15(a)(1) - (9), RLPR, including making any disposition it deems appropriate. Respondent understands that by entering into this stipulation, the Director is not making any representations as to the sanction the Court will impose.

7. The Director and respondent join in recommending that the appropriate discipline is a public reprimand and two years probation pursuant to Rule 15, RLPR. Respondent agrees to the imposition and payment of \$900 in costs pursuant to Rule 24, RLPR. The terms of respondent's probation shall include:

a. Respondent shall cooperate fully with the Director's Office in its efforts to monitor compliance with this probation and promptly respond to the Director's correspondence by the due date. Respondent shall cooperate with the Director's investigation of any allegations of unprofessional conduct that may come to the Director's attention. Upon the Director's request, respondent shall

provide authorization for release of information and documentation to verify compliance with the terms of this probation.

b. Respondent shall abide by the Minnesota Rules of Professional Conduct.

c. Respondent shall maintain within his office systems for regular and timely review of client files to ensure that deadlines are being met and that matters are proceeding with the required diligence. Such systems shall include procedures to ensure that clients are kept regularly informed of the progress of their matters, responses to telephone inquiries are promptly made, and appropriate accountings are provided to clients. Respondent shall provide an outline of such procedures to the Director within thirty days following the adoption of this stipulation by the Minnesota Supreme Court.

d. Respondent shall maintain law office and trust account books and records in compliance with Rule 1.15, MRPC, and LPRB Amended Opinion No. 9. These books and records include the following: client subsidiary ledger, checkbook register, monthly trial balances, monthly trust account reconciliation, bank statements, canceled checks, duplicate deposit slips and bank reports of interest, service charges and interest payments to the Lawyer Trust Account Board. Such books and records shall be made available to the Director upon request throughout the term of this probation.

8. This stipulation is entered into by respondent freely and voluntarily, without any coercion, duress or representations by any person except as contained herein:

9. Respondent hereby acknowledges receipt of a copy of this stipulation.

10. Respondent has been advised of the right to be represented herein by an attorney but has freely chosen to appear *pro se*.

IN WITNESS WHEREOF, the parties executed this stipulation on the dates

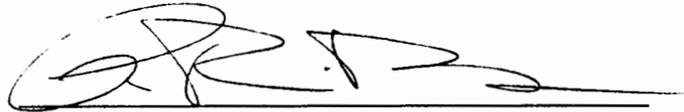
indicated below.

Dated: May 17, 2001.



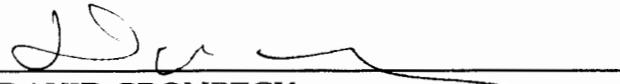
EDWARD J. CLEARY  
DIRECTOR OF THE OFFICE OF LAWYERS  
PROFESSIONAL RESPONSIBILITY  
Attorney No. 17267  
25 Constitution Avenue, Suite 105  
St. Paul, MN 55155-1500  
(651) 296-3952

Dated: MAY 17, 2001.



PATRICK R. BURNS  
SENIOR ASSISTANT DIRECTOR  
Attorney No. 134004

Dated: June 5, 2001.



DAVID GRONBECK  
RESPONDENT  
Attorney No. 37990  
One Financial Plaza  
120 South 6<sup>th</sup> Street, Suite 1100  
Minneapolis, MN 55402  
(612) 332-1866